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FAA-99-5483-48

Date: 7/12/99 10:18 AM
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To: 9-NPRM-CMTS
Priority: Normal
Subject: NPRM, COMMENTS TO NOTICE NO. 99-03

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CHIEF COUNSEL
RULES DOCKET

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As a professional pilot and sport parachutist I have comments in response to the Notice of Proposed Rulemaking (NPRM), Notice No. 99-03. My comments are listed per FAR section:

105.5 General:

This section continues the current language which holds the pilot responsible for any hazard created by anyone at anytime during the parachute operation. This is grossly discriminatory against the pilot. The pilot cannot be totally responsible for what a skydiver does after the jumper exits the aircraft. A parallel is the tow plane pilot towing a glider. The tow plane pilot IS NOT responsible for the glider after the glider is released! Language should be changed to make the pilot ONLY responsible for releasing the jumpers over a safe area.

105.17 Flight Visibility and Clearance from Cloud Requirements

This section makes the pilot responsible for cloud clearances and is appropriate, but modern parachutes can travel for miles. The pilot CAN NOT be responsible for what a skydiver does miles from where he exits the aircraft. This is again similar to the tow plane glider comparison. Thus language should be changed to make the pilot ONLY responsible for releasing the jumpers in airspace that meets the cloud clearance requirements.

105.19 Parachute Operations Between Sunset and Sunrise Lights

This paragraph alters the current language by adding "in all directions." This is technically impractical. A light can not be added to the top and bottom of a deploying parachute. It is also impossible to mount a light on the bottom of your feet (and still be able to land). Mounting a light to the top of your head is impractical and could be a SAFETY HAZARD to the jumper since the deploying parachute lines could tangle in the light. Parachute are constantly turning while they are descending, thus a chest mounted light that is typically used now, is more than adequate. NO CHANGE should be added to this section.

105.21 Parachute Operations Over or Into a Congested Area or an Open Assembly of Persons.

The FAA proposes deleting the four day waiver application. This would allow local FSDO's to be unresponsive to the public requests by requiring 30 or 60 day lead time for applications of form 7711-2. As a professional skydiver performing shows across the country, how am I to do my job if one FSDO wants 5 days and the next needs 45 days? Many skydiving shows requested by the public are on short notice. The FAA needs to define a reasonable time of 5 days in this section.

105.27 Accident Reporting Requirements

The FAA duty is to protect the public by making aviation safe. Collecting accident data in parachuting is not in the FAA's role. Requiring certification

of emergency or reserve parachutes is currently done and is all that is required.

As an operator of a skydiving school I see all accidents being caused by human error. Why does the FAA want to be burdened with reports of a jumper flying a perfectly good parachute into the ground, not landing properly, and

breaking a leg? The FAA has also seriously underestimated the number of reports they would get. Additionally the FAA cannot hold the pilot responsible

to know if one of hundreds of jumpers that exit his aircraft daily, injures them

selves.

This section should be ELIMINATED all together OR only require FATALITY reports AND the pilot should not be accountable not matter what.

105.43 Use of Single-Harness, Dual-Parachute Systems

In paragraph (a) the FAA proposes, 'The main parachute must have been packed within 120 days before the date of its use?'

This should be changed to 6 MONTHS for the following reasons:

1. Modern day fabrics and construction techniques makes it unnecessary to inspect reserves as often.
2. Tests by parachute industry experts have found that handling and repacking of reserve parachutes actually weakens and degrades their performance, thus a longer repack cycle enhances the safety of the reserve.
3. Several countries have instituted the 180 day or 6 month reserve cycle and found no decrease on safety.
4. Modern sport parachute rigs are very expensive and a life saving device, which makes sport parachutists take proper care of their equipment (reserves), by doing regular external inspections of the reserve container, and storing the rig in proper conditions.
5. A 6 month cycle instead of 180 days simplifies paperwork (eliminates counting days and possible mistakes by riggers or FAA inspectors), adds very few days, and is typical of how the FAA designates time periods in other areas of aviation. Examples are pilot biennial reviews, pilot medicals, aircraft annual inspections.

Automatic Activation Devices

In paragraph (b)(3), the FAA proposes new language, "If installed, the automatic activation device must be maintained in accordance with manufacturer instructions for that automatic activation device."

This is unreasonable since an automatic activation device is not required at all.

If an individual skydiver chooses to not maintain the AAD, it does not affect

the safety of the general public, just as if they didn't install it at all.

This part of this section should be ELIMINATED.

Respectfully submitted by:
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